

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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CEDRIC V. PETERSON,
Plaintiff,

NO. CIV. S-05-0423 FCD KJM

v.

MEMORANDUM AND ORDER

J P MORGAN CHASE BANK, as
Trustee Under the Pooling and
Servicing Agreement, dated as
of June 1, 2002, Among Credit-
Based Asset Servicing and
Securitization LLC, SALOMON
BROTHERS MORTGAGE SECURITIES
VII, INC., LITTON LOAN
SERVICING LP and J P MORGAN
CHASE BANK, SALOMON MORTGAGE
LOAN TRUST, C-BASE MORTGAGE
LOAN ASSET-BACKED
CERTIFICATES. SERIES 2002-CB3,

Defendants.

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The court has reviewed plaintiff Cedric V. Peterson's notice
of removal filed June 23, 2005, and hereby STRIKES the removal as
improper in that it was filed in CIV S-05-0423 FCD KJM, when it
should have been filed as a new action. Plaintiff's counsel is

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1 instructed to re-file the matter in accordance with Local Rule
2 77-121.

3 Additionally, plaintiff's counsel shall also review and
4 comply with Local Rule 83-123 upon the re-filing of the removal.

5 IT IS SO ORDERED.

6 DATED: June 30, 2005

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8 /s/ Frank C. Damrell Jr.
9 FRANK C. DAMRELL, Jr.
UNITED STATES DISTRICT JUDGE
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